

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEMETRIUS DMIRAL WARREN,

Defendant.

CR-07-126-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston conducted three revocation hearings in this matter. The first hearings were conducted on December 11, 2018, and on December 13, 2018. The United States alleged that Demetrius Dmiral Warren violated the conditions of his supervised release by: (1) committing two crimes; and (2) consuming alcohol. Warren admitted that he had violated the conditions of his supervised release by committing the second crime alleged and consuming alcohol. Warren did not admit or deny the first crime. Further, the Government did not meet its burden of proof with respect to the first crime. The Court continued the sentencing portion of the revocation hearing until January 22, 2019. The Court modified Warren's conditions of supervision to include a 30-day term of home confinement.

The United States Probation Office filed an amended Petition to revoke Warren's supervised release on December 27, 2018 (Doc. 98.) The amended Petition alleged that Warren had violated the conditions of his supervised release by failing to comply with the terms of his home confinement. *Id.* Judge Johnston held a third revocation hearing on January 15, 2019. (Doc. 101.) Warren admitted to violating the conditions of his supervised release by failing to comply with the terms of his home confinement.

Judge Johnston entered Findings and Recommendations in this matter on January 15, 2017. (Doc. 102.) Warren waived his right to object to Judge Johnston's Findings and Recommendations. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violations prove serious and warrant revocation of Warren's supervised release. Judge Johnston has recommended that the Court revoke Warren's supervised release and commit Warren to the custody of the Bureau of Prisons for a term of 2 months with 34 months of supervised release to follow. (Doc. 102 at 4.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Warren's violation of his conditions represents a serious breach of the Court's trust. A sentence of 2 months custody with 34 months of supervised release to follow represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 102) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Demetrius Dmiral Warren be sentenced to 2 months custody with 34 months of supervised release to follow. Warren shall receive credit for time served.

DATED this 17th day of January, 2019.

A handwritten signature in cursive script, reading "Brian Morris". The signature is written in dark ink and is positioned above a horizontal line.

Brian Morris
United States District Court Judge